

REMARKS

Claims 1-5 remain pending in this application for which applicants seek reconsideration.

Allowable Claim

Claim 5 was indicated to be allowable if it is placed in independent form. As applicants believe that independent claim 1 is allowable, claim 5 has been maintained in its dependent form.

Art Rejection

Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as anticipated by Yamamuro (USP 4,589,071). Applicants traverse the art rejection because Yamamuro would not have disclosed or taught at least the shift control means set forth in claim 1.

Specifically, claim 1 calls for shift control means for limiting the shift-actuator operating speed to prevent slippage of the V-belt when 1) the detected speed is less than a first predetermined speed, 2) downshift detecting means detects a downshift, and 3) idle state detecting means does not detect the idle state of the engine.

In response to applicants' previous reply, the examiner agrees that Yamamuro does not teach preventing slippage of the V-belt, but asserts that Yamamuro device is capable of performing the claimed function. Because the shift control means is drafted as a "means-plus-function" limitation, Yamamuro must explicitly disclose the claimed functional limitation of preventing slippage of the V-belt or inherently carry out this function to anticipate claim 1. Moreover, even though the examiner asserted that Yamamuro is capable of preventing slippage of the V-belt, there is no enabling disclosure anywhere for doing that. Applicants request the examiner to explain how Yamamuro would prevent belt slippage if the examiner is to maintain the same rejection.

Note that claim 1 calls for all three identified conditions to exist to limit the shift-actuator operating speed. Yamamuro simply would not have disclosed or taught such claimed control. Accordingly, applicants submit that the art rejection is improper and deficient.

Conclusion

Applicants submit that claims 1-5 patentably distinguish over the applied reference and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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DATE

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REG. NO. 34,079 (RULE 34, WHERE APPLICABLE)

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